



## CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 3, 2023

FROM: DIRECTOR GINO BETTS   
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0112

### **Allegations of Misconduct & Director's Findings**

#### **Named Employee #1**

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

#### **Named Employee #2**

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties 10. Employees Will Strive to be Professional	Not Sustained - Unfounded (Expedited)
# 2	5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

***This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.***

### **EXECUTIVE SUMMARY:**

Named Employee #1 (NE#1) and Named Employee #2 (NE#2) responded to a stolen car call with indications of kidnapping and assault. The Complainant alleged NE#1 and NE#2 were unprofessional by disregarding the alleged crimes committed against Community Member #1 (CM#1)—the putative victim and the Complainant's girlfriend. The Complainant also alleged that NE#1 and NE#2 engaged in bias-based policing during CM#1's interview.

### **ADMINISTRATIVE NOTE:**

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

On April 14, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

### **SUMMARY OF INVESTIGATION:**

OPA received a complaint and opened an investigation. During its investigation, OPA reviewed the OPA complaint, computer-aided dispatch (CAD) call report, incident report, and body-worn videos (BWVs). OPA also interviewed the Complainant.



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*A. OPA Complaint*

The Complainant submitted an OPA complaint. It described alleged crimes against CM#1 and the named employees' response. The Complainant wrote that when the named employees interviewed CM#1, the Complainant was "dumbstruck by their bias and disregard for the crimes committed against [CM#1]." The Complainant also wrote that despite CM#1 offering the alleged suspects' identities, the named employees "chose to take no action at all" because they saw CM#1 as "white trash who has no special interest political support because she is white and assumed she brought all of this on herself."

*B. Computer-Aided Dispatch (CAD) Call Report*

On March 7, 2023, at 8:10 PM, the Complainant called 9-1-1. CAD call remarks noted:

*"[REPORTING PARTY'S GIRLFRIEND] CARJACKED WHILE SHE WAS IN THE VEHICLE. SHE IS UPDATING HER LOCATION VIA FACEBOOK CURRENTLY TO [AN ADDRESS]. [UNKNOWN WEAPONS] INVOLVED. [GIRLFRIEND] MIGHT KNOW THE SUSPECTS, STORY IS SCATTERED."*

On March 8, 2023, at 8:51 PM, CM#1 called 9-1-1. CAD call remarks noted, "[INVESTIGATE] AUTO THEFT RELATED TO CARJACKING [] THAT [OCCURRED] 03/07 1830." CAD call remarks also noted that CM#1 did not see officers on March 7<sup>th</sup>. The dispatcher noted that the car's registered owner was incarcerated.

*C. Incident Report*

NE#1 wrote an incident report documenting the events of March 7<sup>th</sup>-8<sup>th</sup>.

NE#1 wrote that officers responded to a reported carjacking on March 7, 2023, at 8:16 PM. According to the Complainant, via Facebook, CM#1 told the Complainant that four unknown men threw her in a car and then dumped her. The Complainant told the officers CM#1's location. NE#1 wrote that officers searched that area and where the alleged carjacking occurred but could not locate CM#1 or the car. The Complainant said that CM#1 got on a bus and left. NE#1 wrote that officers advised the Complainant to have CM#1 call 9-1-1, but CM#1 never called. NE#1 wrote that officers attempted to meet the Complainant but could not find him. NE#1 wrote that officers could not locate CM#1 or corroborate the report.

NE#1 wrote that on March 8, 2023, at 9:32 PM, NE#1 met the Complainant and CM#1. NE#1 documented CM#1's account. CM#1 said on March 7<sup>th</sup>, someone stole her car with her dog inside. CM#1 said she and the Complainant found the car but did not notice anyone inside due to a sunshade in the windshield. CM#1 said as she approached the car, four individuals—whom CM#1 knew from the streets—confronted and argued with her. CM#1 said one grabbed her, pulled her into the car, and drove off. CM#1 said they held her for about two hours, assaulted her multiple times, and beat her in a parking lot. CM#1 said she broke free, fled to her room, and did not call for help because her phone died. CM#1 said she did not report the kidnapping and assault on March 7<sup>th</sup> because she was afraid. CM#1 said she knew where the four individuals hung out.

NE#1 wrote that CM#1 said she was the car's legal owner but did not know her car's license plate number, nor could she produce proof of ownership. NE#1 also wrote that the car was not registered to CM#1.



NE#1 wrote that the Complainant corroborated CM#1's account. The Complainant said he drove CM#1 to her car and saw someone grab CM#1 and drive off. The Complainant said one of the offenders struck the Complainant's car while fleeing. The Complainant said he tried to report the incident on March 7<sup>th</sup> but failed to contact officers.

The incident was assigned to SPD's Homicide/Assault unit for follow-up.

*D. Body-Worn Videos (BWVs)*

OPA reviewed the named employees' BWVs, capturing their March 8<sup>th</sup> meeting with the Complainant and CM#1. OPA found the BWVs consistent with NE#1's incident report.

BWV captured NE#2 speaking with NE#1 before meeting with the Complainant and CM#1. NE#2 told NE#1 that the car's registered owner was incarcerated and was someone that NE#2 arrested many times. NE#2 described those prior arrests and said if CM#1 was associated with that person, NE#2 would not believe anything that CM#1 said.

BWV also captured NE#1's interaction with CM#1. NE#1 engaged with the Complainant and CM#1 for about twenty minutes. During their conversation about the legal ownership of the car, NE#1 said, "I'm not going to debate this with you." During their discussion about where CM#1 and the Complainant found the car, NE#1 said, "Let me ask the questions. I don't have all night to sit out here and do this." During their conversation about the suspects, NE#1 said, "Hold on, hold on. I need you to focus. I'm trying to be efficient here. Just answer my questions." During their conversation about the car, NE#1 said, "Ma'am, unfortunately, I don't have the time or resources to go out looking for your dog or your car. I'm sorry. There's just us two for this whole area."

*E. OPA Interview*

OPA interviewed the Complainant. The Complainant said he was shocked that the named employees treated CM#1 dismissively. The Complainant stated that CM#1 provided photographs of her bruises, but the named employees made "no move whatsoever." The Complainant said CM#1 retrieved her car without police assistance. The Complainant also said the officers failed to follow up with CM#1 about the kidnapping and assault allegations. The Complainant described SPD as "extra careful" about arresting minorities due to media pressure.

**ANALYSIS AND CONCLUSIONS:**

**Named Employee #1 – Allegation #1**

***5.001 – Standards and Duties 10. Employees Will Strive to be Professional***

The Complainant alleged NE#1 was unprofessional.

SPD employees must "strive to be professional." SPD Policy 5.001-POL-10. Further, "employees may not engage in behavior that undermines public trust in the Department, the officer, or other officers," whether on or off duty. *Id.* Additionally, employees must "avoid unnecessary escalation of events even if those events do not end in reportable uses of force." *Id.* "Any time employees represent the Department or identify themselves as police officers or Department employees, they will not use profanity directed as an insult or any language derogatory, contemptuous, or disrespectful toward any person." *Id.*



Here, NE#1 interviewed CM#1. At times, NE#1 appeared impatient while gathering CM#1's account. However, NE#1 never raised his voice or insulted CM#1. NE#1's questions, while perhaps somewhat curt, were reasonable and aimed at clarifying what occurred. CM#1's recounting was lengthy and changed each time she responded to NE#1's questions. NE#1 told CM#1 several times that he was trying to be efficient by asking pertinent questions. NE#1 apologized for not doing more and explained why he could not spend more time investigating CM#1's report. NE#1 also documented CM#1's allegations in an incident report. While NE#1's demeanor was direct and matter-of-fact, OPA did not find it unprofessional.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

**Named Employee #1 - Allegation #2**

***5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing***

The Complainant alleged NE#1 engaged in bias-based policing.

SPD prohibits biased policing, defined as "the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual." SPD Policy 5.140-POL. This includes different treatments based on race. *See id.*

Here, the Complainant believed NE#1 refused to investigate because CM#1 was white, and the alleged offenders were Black. Specifically, the Complainant suggested that SPD is "extra careful" about arresting minorities due to media pressure. OPA reviewed NE#1's incident report and BWV but found no suggestion that NE#1 treated CM#1 differently based on her race. Nor did OPA find shortcomings in NE#1's primary investigation. NE#1 did not express any bias while gathering information from CM#1 for his incident report, which appeared thorough, complete, and accurate and was appropriately forwarded to a follow-up unit for additional investigation.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

**Named Employee #2 - Allegation #1**

***5.001 - Standards and Duties 10. Employees Will Strive to be Professional***

The Complainant alleged NE#2 was unprofessional.

Here, NE#1 interviewed CM#1 and the Complainant while NE#2 largely remained silent. OPA found no suggestion that NE#2 was unprofessional during the interaction.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**



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**Named Employee #2 - Allegation #2**

***5.140-POL - Bias-Free Policing 2. Officers Will Not Engage in Bias-Based Policing***

The Complainant alleged that NE#2 engaged in bias-based policing.

Here, NE#2 opined about CM#1's credibility based on her possible association with someone he considered a disrepute. Before meeting CM#1 and the Complainant, NE#2 told NE#1 that he would not believe anything that CM#1 said if she associated with the car's registered owner, who was incarcerated for crimes of dishonesty. Although NE#2's comment was closed-minded, association with known criminals is a behavior, not a protected class or discernible personal characteristic. Therefore, NE#2's position did not constitute biased-based policing, as defined in SPD Policy 5.140. Moreover, despite NE#2's opinion, OPA found no suggestion that NE#1 or NE#2 treated CM#1 differently based on her race. NE#2 largely remained silent while NE#1 interviewed CM#1 and the Complainant.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**